

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CRANE MERCHANDISING  
SYSTEMS, INC.,**

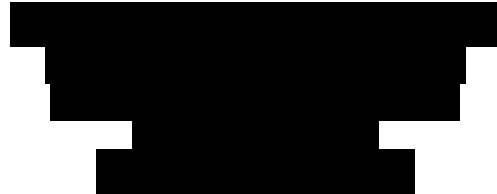
**Plaintiff,**

**vs.**

**NEWZOOM, LLC, BEST BUY  
STORES, L.P., BENEFIT COSMETICS  
LLC, and MACY'S, INC.,**

**Defendants.**

**C.A. No. 17-1000-MN**



**PUBLIC VERSION**

**DECLARATION OF JAMIL N. ALIBHAI  
IN SUPPORT OF CRANE MERCHANDISING SYSTEMS, INC.'S  
MOTION TO ENFORCE SETTLEMENT AGREEMENT**

Dated: December 23, 2020

**YOUNG CONAWAY STARGATT &  
TAYLOR, LLP**

**OF COUNSEL:**

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*Attorneys for Plaintiff/Counterclaim Defendant Crane  
Merchandising Systems, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CRANE MERCHANDISING  
SYSTEMS, INC.,**

**Plaintiff,**

**vs.**

**NEWZOOM, LLC, BEST BUY  
STORES, L.P., BENEFIT COSMETICS  
LLC, and MACY’S, INC.,**

**Defendants.**

**C.A. No. 17-1000-MN**

[REDACTED]

**DECLARATION OF JAMIL N. ALIBHAI  
IN SUPPORT OF CRANE MERCHANDISING SYSTEMS, INC.’S  
MOTION TO ENFORCE SETTLEMENT AGREEMENT**

I, Jamil N. Alibhai, hereby declare as follows:

1. I was lead counsel for Crane Merchandising Systems, Inc. (“Crane”) until September 2020.

2. In November 2019, I sent counsel for NewZoom and all other Defendants a letter regarding [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Swyft is the parent company of Defendant NewZoom, LLC (“NewZoom”). NewZoom and Swyft’s offices are in San Francisco, California.

3. In late 2019, as expert deadlines approached, counsel for the parties engaged in settlement discussions and attempted to reach a resolution. The parties extended expert and other

deadlines to continue those discussions.

4. In late December 2019, I discussed settlement of this case directly with Mr. Huang.

5. Beginning in mid-February 2020, representatives for the parties, Matthew Michael, Assistant General Counsel at Crane Co. (Crane's parent company), and Allen Huang began negotiating settlement terms.

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. The following documents, which are exhibits to this declaration, are true and correct copies of email correspondence exchanged between the parties and their attorneys:

| Exhibit | Description   |
|---------|---|
| 1       | Email chain ending March 26, 2020, between J. Alibhai, E. Budaj, C. Ray, B. Singer, and N. Cave attaching draft of settlement agreement                       |
| 2       | Email chain ending April 13, 2020, between K. Farnan, J. Alibhai, R. Delcollo, C. Ray, and S. Lopano attaching draft settlement agreement                     |
| 3       | April 22, 2020 email from J. Alibhai to K. Farnan, R. Mosley, S. Lopano, and C. Ray attaching draft settlement agreements                                     |
| 4       | Email chain ending April 30, 2020, between K. Farnan, J. Alibhai, R. Delcollo, S. Lopano, C. Ray, A. Poff, and S. Wilson attaching draft settlement agreement |
| 5       | Email chain ending May 12, 2020, between J. Alibhai, K. Farnan, R. Delcollo, S. Lopano, C. Ray, A. Poff, and S. Wilson attaching draft settlement agreement   |
| 6       | May 26, 2020 email from A. Valentine to J. Alibhai and J. Aronson attaching draft settlement agreement  |
| 7       | June 1, 2020 email from A. Valentine to J. Alibhai, J. Aronson, and K. Farnan attaching draft settlement agreement  |
| 8       | Email chain ending June 4, 2020, between J. Alibhai, A. Valentine, K. Farnan, and J. Aronson attaching draft settlement agreement                             |
| 9       | Email chain ending June 5, 2020, between A. Valentine, J. Alibhai, K. Farnan, and J. Aronson attaching draft settlement agreement                             |
| 10      | Email chain ending June 17, 2020, between A. Valentine, J. Alibhai, S. Wilson, and  |

|    |   |
|----|---|
|    | K. Farnan attaching draft settlement agreements   |
| 11 | Email chain ending June 18, 2020, between J. Alibhai, A. Valentine, S. Wilson, and K. Farnan attaching draft settlement agreement             |
| 12 | Email chain ending June 26, 2020, between J. Alibhai, A. Valentine, S. Wilson, and K. Farnan attaching draft settlement agreement             |
| 13 | Email chain ending June 29, 2020, between J. Alibhai, A. Valentine, K. Farnan, and S. Wilson attaching execution copy of settlement agreement |
| 14 | Email chain ending June 30, 2020, between J. Alibhai, A. Valentine, K. Farnan, S. Wilson  |
| 15 | Email chain ending July 13, 2020, between A. Huang and J. Alibhai   |

8. The following documents, which are exhibits to this declaration, are true and correct copies of contracts exchanged during discovery in this matter.

|    |  |
|----|--|
| 16 | ZoomSystems Master Purchase and Services Agreement |
| 17 | License Agreement                                  |
| 18 | Amended and Restated Strategic Alliance Agreement  |

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 23, 2020.

/s/ Jamil N. Alibhai  
Jamil N. Alibhai

851138

# **Exhibits C-1 through C-18 Redacted in Their Entirety**

**CERTIFICATE OF SERVICE**

I, Samantha G. Wilson, hereby certify that on December 30, 2020, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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Renée M. Mosley  
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*Attorneys for NewZoom, LLC, Best Buy Stores, L.P.,  
Benefit Cosmetics LLC, and Macy's Inc.*

I further certify that on December 30, 2020, I caused a copy of the foregoing document to be served by e-mail on all counsel of record.

YOUNG CONAWAY STARGATT &  
TAYLOR, LLP

/s/ Samantha G. Wilson

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Dated: December 30, 2020

*Attorneys for Plaintiff/Counterclaim  
Defendant Crane Merchandising Systems,  
Inc.*